

RENTON CITY COUNCIL
Regular Meeting

February 25, 2002
Monday, 7:30 p.m.

Council Chambers
Renton City Hall

MINUTES

CALL TO ORDER

Mayor Jesse Tanner led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

**ROLL CALL OF
COUNCILMEMBERS**

TONI NELSON, Council President; RANDY CORMAN; DON PERSSON; KING PARKER; TERRI BRIERE; KATHY KEOLKER-WHEELER; DAN CLAWSON.

**CITY STAFF IN
ATTENDANCE**

JESSE TANNER, Mayor; JAY COVINGTON, Chief Administrative Officer; ZANETTA FONTES, Assistant City Attorney; BONNIE WALTON, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; JIM SHEPHERD, Community Services Administrator; LESLIE BETLACH, Parks Director; NEIL WATTS, Development Services Director; ABDOUL GAFOUR, Water Utility Supervisor; DEREK TODD, Assistant to the CAO; CYNDIE PARKS, Community Program Coordinator; CHIEF GARRY ANDERSON, DEPUTY CHIEF JOSEPH PEACH, COMMANDER KATHLEEN MCCLINCY, COMMANDER FLOYD ELDRIDGE, COMMANDER KEVIN MILOSEVICH, and COMMANDER ROBERT SEELYE, Police Department.

PROCLAMATION
Red Cross Month – March,
2002

A proclamation by Mayor Tanner was read declaring the month of March, 2002, to be "Red Cross Month" in the City of Renton, and urging all citizens to honor the volunteers and staff of the Seattle-King County Chapter of the American Red Cross. MOVED BY CORMAN, SECONDED BY NELSON, COUNCIL CONCUR IN THE PROCLAMATION. CARRIED.

Disaster volunteer Jeni Skuk accepted the proclamation on behalf of the American Red Cross.

**SPECIAL
PRESENTATIONS**
Police: Volunteer & Employee
Recognition

Chief of Police Garry Anderson and Community Program Coordinator Cyndie Parks presented the 2001 Volunteer of the Fourth Quarter Award to Police Department volunteer Tom Flewin. Chief Anderson praised Mr. Flewin for his 2,361 hours of dedicated service, and described his many contributions to the Police Department. Mr. Flewin expressed his appreciation for being chosen as Volunteer of the Fourth Quarter.

Chief Anderson recognized the following Police Department Employees of the Quarter for the year 2001:

Employee of the First Quarter: Officer Kevin Keyes

Employee of the Second Quarter: Animal Control Officer Dennis McAskill

Employee of the Third Quarter: Secretary Liz Kuhn

Employee of the Fourth Quarter: Officer Robert Onishi

Chief Anderson also announced that Animal Control Officer Dennis McAskill was chosen as the Police Department Employee of the Year for 2001.

Community Services:
Employee Recognition

Jim Shepherd, Community Services Administrator, announced that the following employees and teams from the Community Services Department were recognized for outstanding service in 2001:

Team of the First Quarter: Earthquake Repair Team - Greg Stroh, Dennis

Conte, Warner Curl, Sam Kamphaus, Dennis Murdoch, and Casey Pearson

Employee of the Second Quarter: Lynn Rothlisberger (Human Services)

Employee of the Third Quarter: Lisa McMartin (Community Center)

Team of the Third Quarter: Field Maintenance Team – Andy O'Brien (Community Center); Ron Hemphill and Steve Brown (Parks)

Employee of the Fourth Quarter: Dennis Murdoch (Facilities)

Mr. Shepherd also announced that Park Maintenance Worker Richard Doss was chosen as the 2001 Employee of the Year, and Secretaries April Alexander and Margie Beitner were chosen as the 2001 Team of the Year.

Advancement to Community
Services Committee Report

MOVED BY CORMAN, SECONDED BY NELSON, COUNCIL SUSPEND THE RULES AND ADVANCE TO THE COMMUNITY SERVICES COMMITTEE REPORT. CARRIED.

**Community Services
Committee**

Appointment: Planning
Commission

Community Services Committee Chair Corman presented a report recommending concurrence in the Mayor's appointment of Cheryl Danza to the Planning Commission for a three-year term, which expires on 1/31/2005. MOVED BY CORMAN, SECONDED BY NELSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Councilman Corman introduced Cheryl Danza who expressed her appreciation for being selected to serve on the Planning Commission.

**APPEAL
Planning & Development
Committee**

Appeal: Clover Creek II,
Labrador Ventures (PP-01-
034)

Planning and Development Committee Chair Keolker-Wheeler presented a report regarding the appeal of the Clover Creek II Preliminary Plat and rezone (PP-01-034) by applicant Labrador Ventures. The Committee convened on February 21, 2002, to consider the appeal of the Hearing Examiner's recommendation dated October 16, 2001. The subject 4.43-acre site is located at Park Ave. N. and N. 27th Pl. The applicant sought to have the property rezoned from R-1 (Residential Single Family; one dwelling unit per acre) to R-5 (Residential Single Family; five dwelling units per acre), and to subdivide the site into 15 single-family lots.

According to the applicant's Appeal Memorandum submitted at the public hearing, the applicant challenged the Hearing Examiner's Finding of Fact #8 as misleading and the applicant suggested the Hearing Examiner did not rely on Findings #21 through #26 in his conclusions. Further, the applicant challenged Conclusion #1 (because it is not supported in the record); Conclusion #3 (because it is not supported in the record); and Conclusion #6 (because it is inconsistent with Findings #8 and #26).

FINDINGS AND CONCLUSIONS

The Committee found that the applicant had previously sought this same rezone on this same parcel. The rezone was rejected by the City Council. The subject rezone had been specifically considered when the prior rezone request had been submitted. Additionally, since the last analysis, there have not been significant and material changes in the area. The Hearing Examiner determined that the applicant did not meet the requirements of Renton Municipal Code 4-9-180.F (formerly 4-8-14). The Committee agreed. Members of the neighborhood testified before the Hearing Examiner regarding the surrounding area then and now. Further, the applicant and staff informed the Committee that there has been new development in the area and there are new environmental standards and development standards. The Committee found that there is not enough change to

warrant a rezone.

The Committee considered the applicant's Appeal Memorandum submitted at the public hearing, as well as his Appeal Memorandum submitted on November 20, 2001. The Committee found that the Hearing Examiner's determination that the parcel has "complex topography" is not an error. Even if it were an error, it is not significant enough to alter his recommendation. Similarly, the Committee did not find error in the Hearing Examiner's failure to mention his Findings #21 through #26 in his conclusions. The applicant argued that Conclusion #6 contradicted those findings and the Committee disagreed. The applicant and staff pointed out a reference in the Hearing Examiner's report regarding "carving up" the ravine. Staff indicated that the language in the Hearing Examiner's current report virtually parroted language from the Hearing Examiner's report issued when the rezone was denied the first time on May 17, 1999, but was missing one word. The Committee found that the discrepancy, and resulting change in meaning, was insignificant and did not warrant remanding the matter to the Hearing Examiner. Finally, the Committee did not find errors in Conclusions #1 or #3.

The applicant did not meet its burden of proving that the Hearing Examiner committed an error. Therefore, the Committee found that there were no errors of fact or law committed by the Hearing Examiner, and recommended that the Council affirm the recommendation of the Hearing Examiner and deny the rezone. **MOVED BY KEOLKER-WHEELER, SECONDED BY BRIERE, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

ADMINISTRATIVE REPORT

Chief Administrative Officer Jay Covington reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 2002 and beyond. Items noted included:

- * Mayor Tanner's 2002 State of the City address is being cablecast on Channel 21 on Fridays at 4:00 p.m.; Saturdays and Sundays at 4:00 a.m., noon, and 10:00 p.m.; Mondays at 4:00 p.m.; and Tuesdays at 4:00 a.m.
- * A commemorative sign recognizing the actions of City employees Mike Stenhouse and Gregg Seegmiller will be installed next to the Cedar River Trail in Ron Regis Park in acknowledgment of their efforts in rerouting the Cedar River to prevent flooding following the Nisqually Earthquake.

AUDIENCE COMMENT

Citizen Comment: Young – Springbrook Trout Farm Potential Property Purchase, Talbot Rd S

Bill Young, 1005 E. Guiberson St., Kent, 98031, stated that he is a real estate agent that represents the Gallagher family who own the Springbrook Trout Farm located on Talbot Rd. S., one mile south of Valley General Hospital. Indicating that the subject property is for sale, Mr. Young recommended that the City of Renton purchase the property for use as a recreation area. **MOVED BY CORMAN, SECONDED BY PERSSON, COUNCIL REFER THIS MATTER TO THE COMMUNITY SERVICES COMMITTEE. CARRIED.**

CONSENT AGENDA

Council Meeting Minutes of February 11, 2002

Items on the consent agenda are adopted by one motion which follows the listing.

Community Services: Parks Rules and Regulations Changes

Approval of Council meeting minutes of February 11, 2002. Council concur.

Community Services Department recommended approval of the proposed changes to the Park Rules and Regulations to reflect updated legal review and to allow the Renton Police Department a more enforceable interpretation of the rules. Refer to Community Services Committee.

Lease: Vykor, 200 Mill Bldg (1st & 5th Floors)	Community Services Department requested approval of a three-year lease with Vykor, Inc. for the first and fifth floors of the 200 Mill Building. Revenue generated is \$200,000 over the term of the lease. Refer to <u>Finance Committee</u> .
Court Case: US Filter Distribution Group, CRT-02-002	Court case filed in King County Superior Court by Douglas R. Hookland, PO Box 23414, Tigard, OR, 97281, representing U.S. Filter Distribution Group, Inc., alleging that Katspan, Inc., the contractor for the South Downtown Water Main and Storm Sewer Replacement project (CAG-01-008), owes the plaintiff \$12,654.12 (plus interest and attorney fees) for materials supplied but never paid for. Refer to <u>City Attorney and Insurance Services</u> .
Human Services: 2002 CDBG Supplemental Funding Cycle	Human Services Division recommended having a supplemental funding cycle for the 2002 Community Development Block Grant (CDBG) unallocated and recaptured capital funds in the amount of \$210,857. Refer to <u>Community Services Committee</u> .
Plat: Eagle Ridge, NE 4th St & Nile Ave NE (FP-01-154)	Development Services Division recommended approval, with conditions, of the Eagle Ridge Final Plat; 17 single-family lots on 4.2 acres located in the vicinity of NE 4th St. and Nile Ave. NE (FP-01-154). Council concur. (See page 70 for resolution.)
Plat: Johnson-Loken, Jericho Ave NE (PP-01-122)	Hearing Examiner recommended approval, with conditions, of the Johnson-Loken Preliminary Plat; 62 single-family lots on 16.13 acres located in the vicinity of Jericho Ave. NE and NE 2nd St. (PP-01-122). Council concur.
Plat: Parkside Court, SE 136th St (SE 2nd Pl), PP-01-012	Hearing Examiner recommended approval, with conditions, of the Parkside Court Preliminary Plat; 21 single-family lots on 4.32 acres located at 14606 SE 136th St. (SE 2nd Pl.); PP-01-012. Council concur.
Plat: Morgan Place, Temporary Access Easement (FP-01-143)	Technical Services Division recommended acceptance of a temporary access easement to provide the required turn-around at the west end of NE 5th St. as constructed on neighboring property for the Morgan Place Final Plat (FP-01-143). Council concur.
Solid Waste: 2002-2003 Coordinated Prevention Agreement, WA St DOE	Utility Systems Division recommended acceptance of \$59,280 in grant funding for solid and hazardous waste reduction education programs from the Washington State Department of Ecology for the 2002-2003 Coordinated Prevention Grant agreement. City's match is \$19,760. Council concur. (See page 70 for resolution.)
<u>Added Item 8.k.</u> Vacation: Lyons Ave NE ROW, Abney-Revard (VAC-01-006)	City Clerk reported approval on February 11, 2002, of the Abney-Revard street vacation request for portion of unopened, existing Lyons Ave. NE right-of-way located south of NE 4th St., and recommended adoption of the ordinance (VAC-01-006). Council concur. (See page 70 for ordinance.) MOVED BY NELSON, SECONDED BY CLAWSON, COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED INCLUDING THE ADDED ITEM 8.k. CARRIED.
Community Services: Parks Rules and Regulations Changes	Councilwoman Keolker-Wheeler requested that when the Community Services Committee evaluates the changes to the Parks Rules and Regulations, the Committee review the recommendation to delete the words <i>religious service</i> from Section 11 leaving the words <i>group rally</i> , and whether the amended language is applicable to weddings and other group gatherings.

Added**CORRESPONDENCE**

Citizen Comment: AWC –
Initiative 747 Legal Challenge

At the request of Mayor Tanner, an electronic letter was read from Municipal Government Analyst Sheila Gall, Association of Washington Cities, 1076 Franklin St. SE, Olympia, 98501, asking if Renton is planning to be a co-plaintiff in the anticipated legal challenge of Initiative 747 that is expected to be filed soon. **MOVED BY NELSON, SECONDED BY CORMAN, COUNCIL REFER THIS CORRESPONDENCE TO THE COMMITTEE OF THE WHOLE. CARRIED.**

OLD BUSINESS**Transportation Committee**

Transportation: Metro Transit
Layover Temporary
Reactivation (Morris Ave S)

Transportation (Aviation) Committee Chair Persson presented a report recommending that Council authorize staff to reactivate the temporary transit layover location on Morris Ave. S. between the Thrift Store and S. 3rd St. as a temporary layover for Metro transit coaches starting around March 2002. The temporary transit layover will be in place for a duration of ten months, or until the Downtown Parking Garage is completed. **MOVED BY PERSSON, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

Finance Committee

Finance: Vouchers

Finance Committee Chair Parker presented a report recommending approval of Claim Vouchers 201313 – 201691 and two wire transfers totaling \$2,170,223.03; and approval of Payroll Vouchers 36576 – 36804, one wire transfer and 543 direct deposits totaling \$1,641,601.74. **MOVED BY PARKER, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

Public Safety Committee

Police: Lewd Conduct
Ordinance

Public Safety Committee Chair Clawson presented a report regarding the lewd conduct ordinance. The Committee recommended concurrence in the staff recommendation to approve the addition of Section 6-18-18 to Title VI of the Renton Municipal Code (RMC).

The addition of Section 18 to Title VI, Chapter 18, will prohibit lewd acts in a public place or any place under such circumstances as to make it difficult for an unwilling member of the public to avoid exposure. Section 18 will not be construed to prohibit plays, operas, musicals, or other dramatic works that are not obscene; or classes, seminars, and lectures held for serious scientific or educational purposes, or exhibitions or dances that are not obscene as defined in RMC 6-18-3B. The ordinance will make violation a misdemeanor and, upon conviction, shall be punishable by a fine not exceeding \$1,000 or by imprisonment for a period not exceeding 90 days, or by both. Section 18 will provide the police with tools to prevent such acts.

The Committee further recommended that the ordinance regarding this matter be presented for first reading. **MOVED BY CLAWSON, SECONDED BY PARKER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.** (See page 70 for ordinance.)

Police: Severability Ordinance

Public Safety Committee Chair Clawson presented a report regarding the severability ordinance. The Committee recommended concurrence in the staff recommendation to approve the addition of Section 6-18-19 to Title VI of the Renton Municipal Code. There is currently no severability clause for Title VI. Adoption of an ordinance amending Title VI, Chapter 18, will fulfill severability issues by adding a new Section 6-18-19 providing for severability in the event one part of the Chapter is found unconstitutional.

The Committee further recommended that the ordinance regarding this matter be presented for first reading. **MOVED BY CLAWSON, SECONDED BY**

PARKER, COUNCIL CONCUR IN THE COMMITTEE REPORT.
CARRIED. (See later this page for ordinance.)

ORDINANCES AND RESOLUTIONS

Resolution #3553

Plat: Eagle Ridge, NE 4th St &
Nile Ave NE (FP-01-154)

A resolution was read approving the Eagle Ridge Final Plat (formerly Buttar); 4.2 acres located in the vicinity of NE 4th St. and Nile Ave. NE (FP-01-154). MOVED BY KEOLKER-WHEELER, SECONDED BY CORMAN, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

Resolution #3554

Solid Waste: 2002-2003
Coordinated Prevention
Agreement, WA St DOE

A resolution was read authorizing the Mayor and City Clerk to enter into an agreement between the State of Washington Department of Ecology and the City of Renton regarding the 2002-2003 Coordinated Prevention Grant. MOVED BY KEOLKER-WHEELER, SECONDED BY NELSON, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

The following ordinances were presented for first reading and referred to the Council meeting of 3/4/2002 for second and final reading:

Police: Lewd Conduct
Ordinance

An ordinance was read amending Chapter 6-18, Penal Code, of Title VI (Police) of City Code by adding a new Section 6-18-18, regarding lewd acts. MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 3/4/2002. CARRIED.

Police: Severability Ordinance

An ordinance was read amending Chapter 6-18, Penal Code, of Title VI (Police) of City Code by adding a new Section, 6-18-19, regarding severability. MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 3/4/2002. CARRIED.

Vacation: Lyons Ave NE
ROW, Abney-Revard (VAC-
01-006)

An ordinance was read vacating the easterly 30 feet of the unopened, existing Lyons Ave. NE right-of-way, south of NE 4th St. (Petitioner: Abney-Revard, Inc.; VAC-01-006). MOVED BY PERSSON, SECONDED BY NELSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 3/4/2002. CARRIED.

The following ordinance was presented for second and final reading and adoption:

Ordinance #4955

Vacation: NW 5th St (Rainier
to 91st), Chang Brothers &
Miller (VAC-01-005)

An ordinance was read vacating a portion of NW 5th St., from Rainier Ave. N. to 91st Ave. S. (Petitioners: Chang Brothers and Miller; VAC-01-005). MOVED BY PERSSON, SECONDED BY KEOLKER-WHEELER, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

ADJOURNMENT

MOVED BY PARKER, SECONDED BY NELSON, COUNCIL ADJOURN.
CARRIED. Time: 8:24 p.m.



BONNIE I. WALTON, City Clerk